

## REMARKS

Applicants request reconsideration of the above-identified application in light of the amendments and remarks described herein. Claims 1-38 are pending in this application. Claims 1-17 have been amended.

Claims 1-16 have been noted as allowed. Applicants thank the Examiner for the notice of allowed subject matter.

Claims 17-38 have been rejected. Specifically, Claims 17-38 have been rejected under 35 U.S.C. § 112, first paragraph, and Claims 17 and 19 have been rejected under 35 U.S.C. § 103(a). In addition, the drawings have been objected to under 37 C.F.R. § 1.83(a).

Applicants respectfully submit that all claims are now in condition for allowance. Accordingly, applicants request reconsideration and allowance of all claims.

### Amendments to Claims 1-16

Claims 1-16 have been amended to remove the illustrative reference numbers.

### Objection to the Drawings Under 37 C.F.R. § 1.83(a)

The drawings have been objected to under 37 C.F.R. 1.83(a). The Office Action states that the drawings must show every feature of the invention specified in the claims, including "cooling battery" (Claim 8), "heat exchanger" (Claim 19), "electrical heater" (Claim 20), and "moisture regulating device" (Claim 21).

Applicants respectfully submit that the terms "cooling battery," "heat exchanger," "electrical heater," and "moisture regulating device" are each specific examples of gas conditioning means, as shown in the drawings as part numbers 19 and 20. Such examples of gas conditioning means are described at Col. 4, lines 20-27, of the specification. Therefore, applicants respectfully submit that the drawings need not be corrected.

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#### Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 17-38 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. For example, in Claim 17, the Office Action states that there is no support in the original specification for the recitation of "an inlet in communication with the outlet of the return channel and having an outlet in communication with the perforated walls of the tunnel."

In response, applicants have deleted the language relating to the inlet of the high-pressure chamber, the outlet of the return chamber, and the outlet of the high-pressure chamber, such that Claim 17 now recites: "a high-pressure chamber formed by walls within the housing, wherein the walls of the high-pressure chamber are separate from the walls of the housing, the high-pressure chamber in communication with the return channel and the perforated walls of the tunnel, with the gas circulation device maintaining the high-pressure chamber at a higher pressure than the return channel." This claim language is supported by the specification at Col. 3, lines 46-49; "the fan 18 then blows air into the high-pressure chamber 14 thereby generating air jets from the perforations of the tunnel 11 impinging upon the objects of the conveyor belt 9 therein."

#### Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 17-38 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. Specifically, in Claim 17, the Office Action states that there is no antecedent basis for "the outlet."

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In view of the amendments to Claim 17 to delete the reference to "the outlet," applicants submit that this rejection is now moot.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,462,383, issued to Henke et al. (hereinafter "Henke"), in view of European Patent No. EP 0482225 issued to Smith et al. (hereinafter "Smith"). Applicants respectfully disagree.

Henke generally describes an impingement food preparation apparatus. Referring to Figure 2 of Henke, heated air is recirculated within cabinet assembly 20, as follows:

Initially, heated, high velocity air at a temperature of approximately 500° is jetted through jet plate openings 222 of fingers 210 to cooking chamber 254 for direct impingement on the bottom and top of a food product carried by conveyor assembly 60. After impinging the food product, the air flow circulates between fingers 210 into return chamber 256, from which it is drawn by impeller 302 through passageway 202, 204, into heating chamber 308. The recirculated air is then reheated within heating chamber 308 and rapidly drawn through passageway 306 to plenum chamber 200.

(Henke, Col. 14, lines 19-30). The interior of cabinet assembly 20 is accessible by door assembly 82 (Henke, Col. 7, lines 12-13). The door assembly 82, however, is not a part of the walls forming plenum chamber 200.

Smith generally describes a forced convection tunnel oven. Referring to Figure 3 of Smith, front wall 16 of the cabinet is provided with door 36, and back wall 18 is provided with door 38. (Smith, Col. 5, lines 19-20). Two generally vertically disposed plenums 52 and 54 are formed adjacent the back wall 18 of the cabinet. The first plenum 52 is formed between vertical walls 45 and 46, and the second plenum 54 is formed between vertical walls 46 and back wall 18. (Smith, Col. 5, lines 27-32). Thus, the second plenum 54 is accessible via door 38.

Air is recirculated within the cabinet as described at Col. 6, line 56, to Col. 7, line 6, of Smith:

A fan or blower 60 is rotatably disposed in chamber 30 and is driven by a variable speed blower motor 65 mounted on top wall 20.

A plurality of horizontally spaced upper air dispensing ducts 70 are secured to spaced openings 72 which communicate with the interior of plenum 52 for dispensing air delivered through plenum 52 onto the upper surface of food products 35 carried by conveyor 40 [*sic*]. A plurality of lower plenums 80 are spaced longitudinally of cooking compartment 14 and communicate with openings 82 in wall 46 of plenum 54 such that air flowing through plenum 54 enters lower dispensing ducts 80 and is dispensed onto the lower surface of food products 35 carried on conveyor 30.

As described in this passage, the air dispensing ducts 70 and 80 are in communication with, respectively, plenums 52 and 54 for dispensing air from above and below the conveyor 30.

The Office Action states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the chamber of Henke with a chamber in the manner suggest by Smith, with at least one substantially vertical part of the walls forming the chamber being removable in order to provide access to the inside of the pressure chamber. Applicants disagree.

To establish a case of obviousness, the prior art references must teach or suggest all of the claim limitations.

Claim 17, as currently amended, recites an apparatus for gas treatment of products having a high-pressure chamber formed by walls within the housing, *wherein the walls of the high-pressure chamber are separate from the walls of the housing*, the high-pressure chamber in communication with the return channel and the perforated walls of the tunnel, with the gas circulation device maintaining the high-pressure chamber at a higher pressure than the return channel. Claim17 further recites at least one substantially vertical part of the walls forming the

high-pressure chamber being removable so as to provide access to the inside of the high-pressure chamber. Claim 19 depends from Claim 17.

Applicants submit that Henke and Smith, either alone or in combination, fail to teach or suggest each and every element of Claim 17. The Office Action admits that Henke fails to teach or suggest a plenum chamber being a high-pressure chamber formed by walls and at least one substantially vertical part of the walls forming the high-pressure chamber being removable. Applicants agree with this admission because the door assembly 82 described in Henke does not form any part of the walls forming the plenum chamber 200 of Henke.

Applicants further submit that Smith fails to cure the deficiencies of Henke. Specifically, Smith fails to teach or suggest "a high-pressure chamber formed by walls within the housing, wherein the walls of the high-pressure chamber are separate from the walls of the housing,...at least one substantially vertical part of the walls forming the high-pressure chamber being removable so as to provide access to the inside of the high-pressure chamber," as recited in Claim 17. While Henke may disclose that second plenum 54 is accessible via vertical door 38 that is part of the housing (or cabinet), Henke fails to teach or suggest removable walls of a high-pressure chamber that are separate from the walls of the housing. For at least this reason, Claim 17 is nonobvious over Henke in view of Smith.

Accordingly, applicants respectfully request withdrawal of the rejection of Claims 17, as well as Claim 19 depending therefrom.

#### Allowed Claims 1-16

Again, applicants thank the Examiner for the notice of allowed Claims 1-16.


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CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that the present application is in condition for allowance. The Examiner is invited to contact the undersigned with any remaining questions or concerns.

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